

**REMARKS****Summary of the Office Action**

Claims 1-11, 12-23, 27-35, 39-45 and 47-55 are pending in the above-identified patent application.

Claims 1-11 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Publication No. 2002/0004844 A1 to Harari et al. (the "Harari publication") and U.S. Patent Publication No. 2002/0022453 A1 to Balog et al. (the "Balog publication"). Claims 12-48 were rejected under 35 U.S.C. § 102(e) as being anticipated by the Balog publication.

**Summary of Applicant's Reply**

Applicants have amended claims 1, 5, 9, 12, 39, 40 and 42-48 to more particularly define the present invention and have added new claims 49-55. Claims 11, 24-26, 36-38 and 46 have been cancelled without prejudice.

The Examiner's claim rejections under sections 102 and 103 are respectfully traversed.

**Traversal of Rejection of Claims 12-48 Under 35 U.S.C. § 102(e)**

Claims 12-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Balog publication. The rejection of these claims is respectfully traversed for the following reasons.

The Balog publication describes a method for delivering content to a plurality of mobile devices. The content delivered includes a plurality of data types (such as text messages, video files, audio files, maps, video-streaming, photos, etc.) and is delivered from a service provider to at least one of the mobile devices depending on the characteristics of the data and the characteristics of the device. In the Balog publication, the characteristics of the data refers to the type of data to be transferred. The Balog publication describes that a user is associated with a global profile that contains information about the different computing devices the user may have,

e.g., mobile phone, PDA, PC, etc., and user attributes such as, device, first name, last name, password, contact information, user ID, media preferences, list of devices, list of services, device specifications, device addresses, connections available, user type, time-of-day preferences for the user, and location preferences. The user's global profile is stored with the service provider. An optimal communication protocol is dynamically selected to transport content based on the data type, *i.e.*, text messages, video files, audio files, maps, video-streaming, photos, etc., and the user's mobile devices best suited to receive the data type is selected. Thus, the content is routed to one of the devices in accordance with the global profile, data characteristics and prevailing network conditions.

In sharp contrast, independent claims 12, 42-45 and 47-48 are directed to routing content to a user based at least on the *semantics of the content itself* and not the characteristics of the content as described in the Balog Publication. The characteristics or type of content is irrelevant to the dynamic routing of content according to the present invention as recited in independent claims 12, 42-45 and 47-48. Instead, the systems and methods of independent claims 12, 42-45 and 47-48 allow users to create profiles indicating the content they are interested in receiving, e.g., information about New York Yankees<sup>™</sup> games, without regard to form of the content (video, audio, text messages, etc.) or the particular device that will receive the content.

Each of independent claims 12, 42-45 and 47-48 in general recite, among others, aggregating semantic profiles using identified areas of overlapping interests and using at least the aggregated semantic profiles and the semantic content of a packet to route the packet to a destination. The Balog Publication fails to teach or suggest at least these claim features. As a result, independent claims 12, 42-45 and 47-48 are patentably distinct from the Balog Publication, are allowable and their allowance is respectfully requested.

Similarly, independent claim 39 in general recites, among others, aggregating content profiles that include information that identifies content available from content providers using identified areas of overlapping content and using at least the aggregated content profiles and the content included in seek packets, which themselves include at least one request for content, to route the packet. The Balog Publication fails to teach or suggest at least these claim features. As a result, claim 39 is patentably distinct from the Balog Publication, is allowable and its allowance is respectfully requested.

Furthermore, the Examiner has variously rejected dependent claims 13-23, 27-35 and 40-41 as anticipated by the Balog Publication under section 102. However, because independent claims 12, 39, 42-45 and 47-48 are allowable at least for the reasons provided above, these dependent claims are also allowable, and the Examiner's rejections of the claims are therefore moot and should be withdrawn.

#### **Traversal of Rejection of Claims 1-11 Under 35 U.S.C. § 103**

Claims 1-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Harari publication and the Balog publication. For the reasons set out below, the Examiner's rejection is respectfully traversed.

Claim 1 recites at least "a forwarding agent that forwards a semantic packet to a destination based at least on the semantic content of the semantic packet" and "a semantic profile manager that operates on semantic profiles to identify areas of overlapping interest in receiving content between the semantic profiles, wherein the semantic profiles include information that identifies users' interest in receiving content." As explained above, the Balog Publication fails to teach or suggest at least these features. The addition of the Harari Publication fails to cure the deficiencies of the Balog Publication. Thus, for at least these reasons, applicants' amended

claim 1 is not obvious over the Harari publication and the Balog publication, and it is respectfully submitted that the rejection should be withdrawn and the claims should proceed to issue.

Furthermore, the Examiner has variously rejected dependent claims 2-10 as obvious over the Harari publication and the Balog publication under section 103. However, because independent claim 1 is allowable at least for the reasons provided above, these dependent claims are also allowable, and it is respectfully submitted that the Examiner's rejections of the claims are therefore moot and should be withdrawn.

### **New Claims**

New independent claim 55 recites a method for announcing and retrieving content that includes claim features discussed above in connection with claims 12 and 39. It is respectfully submitted that independent claim 55 is patentably distinguishable over the Balog Publication for at least the same reasons set forth above for claims 12 and 39, is allowable and its allowance is respectfully requested.

New claims 49-54 are also dependent on one of independent claims 12, 42-45 and 47, respectively. Because these independent claims are allowable for at least the reasons set forth above in connection with the independent claims, new dependent claims 49-54 are also allowable and their allowance is respectfully requested.

### **Conclusion**

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have

provided specific examples of elements in the claims that are clearly not present in the cited prior art.

In addition, each of the combination of limitations recited in the claims includes additional limitations not shown or suggested by the prior art. Therefore, for these reasons as well, applicant respectfully requests withdrawal of the rejection.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, applicants has provides examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present response is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely applicants' best attempt at providing one or more definitions of what the applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that applicant is seeking for this application. Therefore, no estoppel

should be presumed, and applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

For all the reasons advanced above, applicants respectfully submit that the rejections have been overcome and should be withdrawn. For all the reasons advanced above, applicants respectfully submit that the application is in condition for allowance, and that such action is earnestly solicited.

**Authorization**

The Director is hereby authorized to charge any additional fees which may be required for this Reply, or credit any overpayment, to Deposit Account No. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Director is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 08-0219.

Respectfully submitted,  
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